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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,502	03/31/2000	Thomas G. Brewer	8374	4129

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EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

15

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/540,502

Applicant(s)

BREWER ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) 5, 10, 15 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment B, Paper #14, received November 24, 2003, has been entered into record.
3. Claims 1-20 remain pending.

### ***Response to Amendment***

4. This office action is in response to the applicants Amendment filed on November 24, 2003, (Paper No. 14). Claims 1,6,11,16, and 18 have been amended. Claims 1-20 are presented for further consideration and examination.
5. Applicant's arguments with respect to claims 1,6,11,16, and 18 have been considered but are moot in view of the new ground(s) of rejection.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4,6-9,11-14, and 16-20 rejected under 35 U.S.C. 102(e) as being anticipated by Busey et al. U.S. Patent 6,665,395.

8. Referring to claims 1,6,11, and 16, Busey reference disclose a plurality of devices interfaced to said customer (Figures 1A, and 2C); identifying a first interaction on a first channel (Figure 1A disclose customer use the phone to establish the connection with the agents) and a second interaction on a second channel (Figure 1A disclose customer use the browser to access the internet), wherein the first and second channels are different channels (as explain above, both channels are different); identifying a customer associated with the interactions, wherein the interactions are occurring concurrently (Figure 2A discloses customer access the corporate webs site (WRU), and when the WRU determine that the customer's inquiry needs to be serviced by agent it will escalated the inquiry to WebACD where agent assistance, see col. 7, lines 55 through col. 8, lines 5); recording a dialogue corresponding to the first and second interactions (col. 8, lines 26-34); and using the dialogue to modify at least one of the interactions (col. 5, lines 26-37; col. 8, lines 26-47; and col. 12, lines 65 through col. 13, 1<sup>st</sup> paragraph).

9. Referring to claims 2, 7, and 12, Busey reference disclose using the dialogue to modify at least one of the channels (Figures 2A, and 4A;col. 5, lines 26-37; col. 7, lines 12-24; col. 7, lines 56 through col. 8, lines 33; and col. 9, lines 30-61).

10. Referring to claims 3, Busey reference disclose identifying a first subject matter associated with the first interaction (Figure 2C, customer interact with corporate web site) and a second subject matter associated with the second interaction (Figure 2C, customer 240 need service from agent); connecting a first service provider (WebACD) to the first interaction based

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upon the first subject matter and the first channel, and connecting a second service provider (Telephony ACD) to the second interaction based upon the second subject matter and the second channel (col. 9, lines 5-20).

11. Referring to claims 4,9,14, and 19, Busey reference disclose enforcing a plurality of business policies and customer profiles for each of the channels and each of the interactions (col. 5, lines 15-37; col. 8, lines 16-34; and col. 13, lines 8-17).

12. Referring to claims 8, and 13, Busey reference disclose means for storing a customer profile associated with each of the interactions and means for retrieving the customer profile associated with each of the interactions (col. 8, lines 16-34; and col. 13, lines 8-17)

13. Referring to claim 16, Busey reference disclose providing a customer profile database, storing in the customer profile database a plurality of concurrent dialogues occurring with a customer (col. 8, lines 16-34; and col. 13, lines 8-17); initiating a service provider, and establishing an interaction initiated by the service provider with a customer extracted from the customer profile database wherein the interaction occurs over multiple different channels (Figures 1A, 2A, and 2C; and col. 5, lines 26-37; col. 8, lines 26-47; and col. 12, lines 65 through col. 13, 1<sup>st</sup> paragraph).

14. Referring to claim 17, Busey reference disclose extracting a customer profile from the customer profile database, enforcing a plurality of business policies and customer profile for the interaction and the channel (col. 5, lines 15-37; col. 8, lines 16-34; and col. 13, lines 8-17).

15. Referring to claim 18 is rejected under the same rational set forth above to combination of claims 1, and 3.

***Allowable Subject Matter***

16. Claims 5,10,15, and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter:

Busey et al. U.S. Patent 6,665,395 teach customer can interact with two different channels such as browsing a corporate web site and contact an agent simultaneously, Busey further disclose where the agent and customer communicate via communication type that can be easily record the entire transcript (or a portion) of the dialogue and transfer the transcript to the WebACD for storing and future reference. However, the prior art of record fails to teach or suggest individually or in combination that alerting the first service provider to take a plurality of actions with the customer based upon the first interaction, the first channel, the first subject matter, the business policies, and the customer profiles.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Beck et al. U.S. Patent 6,381,640**

**Busey et al. U.S. Patent 6,377,944**

**Beck et al. U.S. Patent 6,230,197**

**McPartlan et al. U.S. Patent 6,584,191**

**Weiss et al. U.S. Patent 6,131,810**

**Chelliah et al. U.S. Patent 5,710,887**

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**Levy U.S. Patent 6,556,997**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu ( 7AM-4:30PM ) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Phuoc H. Nguyen  
Examiner  
Art Unit 2143

January 27, 2004



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100